

REMARKS

Claims 1-2, 4-6, 8, 10-20, 22-23, 25-34 are currently under consideration in the application. By this amendment, claims 1, 4-6, 8, 10-11, 18, 22 and 25-27 will have been amended, and claims 3, 7, 9, 21 and 24 will have been canceled without prejudice or disclaimer. This amendment does not raise any new issues that need further search and/or consideration, nor any question of new matter.

Accordingly, by the present amendment and remarks, Applicants submit that the rejections have been overcome, and respectfully request reconsideration of the outstanding Final Office Action and allowance of the instant application.

Amendment Fully Supported by the Original Disclosure

The above amendment does not add new matter to the application and is fully supported by the specification. For example, the subject matter of claims 3, 7 and 9 has been inserted into independent claim 1, and the subject matter of claims 21 and 24 has been inserted into independent claim 18. Further, claims 4-6, 8, 10-11, 22 and 25-27 have been amended to correct dependency issues.

Applicants respectfully request reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

Acknowledgement of Foreign Priority, Receipt of Certified Documents and Drawings

Applicants note with appreciation the Examiner's acknowledgment of Applicant's claim for foreign priority under 35 U.S.C. § 119 and the receipt of the certified copy of the

priority document European Patent Application No. 02 024 033.9 and European Patent Application No. 03 007 225.0.

Applicants further note with appreciation the Examiner's acknowledgment that Applicant's drawings are accepted.

35 U.S.C. § 102 Rejections

1. Over VOGÉ

Applicants traverse the rejection of claims 1 –5, 12-14, 18 – 23, 28-29 and 32 – 34 under 35 U.S.C. §102(b) as being unpatentable over VOGÉ (U.S. Patent No. 6,516,721). The Examiner asserts that VOGÉ shows the features recited in the above-noted claims. Applicants traverse the Examiner's assertions.

Applicants' independent claim 1, as currently amended, recites, *inter alia*,

“...said tempering device comprises at least one of at least one heating device and at least one cooling element, such that said cooling element comprises a cooling plate;

said ink supply, metering device, and ink nozzle being at least partially located on said cooling plate...”

Applicants' independent claim 18, as currently amended, recites, *inter alia*,

“...a tempering device comprising at least one of at least one heating element and at least one cooling element, which includes a cooling plate; said process comprising:

adjusting a temperature of ink in at least one of an ink nozzle, ink supply and metering device in the printing mechanism via the tempering device

wherein the adjusting of the temperature of ink comprises adjusting said ink temperature with the cooling plate...”

Applicants submit that in contrast to the requirement of 35 U.S.C. § 102(b), VOGÉ does not disclose every element of the claimed invention. Applicants submit that VOGÉ

does not anticipate the instant invention, as at least recited in the independent claims.

VOGE shows a printing machine having a conveying method including a compressed air tank 60, inlet line 66, and pre-heater 70 in communication with valve 34 and nozzle 36, which sprays ink onto drum 38. See Figure 4 and Col. 8-39. However, contrary to the Examiner's assertions, this document fails to show *at least one cooling element comprising a cooling plate, in which said ink supply, metering device, and ink nozzle are at least partially located on said cooling plate*, as recited in at least independent claim 1, and fails to show *the adjusting of the temperature of ink comprising adjusting said ink temperature with the cooling plate*, as recited in at least independent claim 18. In fact, a review of this document reveals VOGÉ teaches away from the instant invention, reciting, in part,

..."The piezoelectric valve 34 includes a non-illustrated heater that maintains it at the same temperature so that the printing ink therein does not cool down...". See Figure 4 and Col. 8, lines 17-20.

Applicants submit that this document not only fails to show a cooling element, but also fails to disclose at least the above-noted features of the present invention, as currently amended.

In contrast to the instant invention, Applicants note that VOGÉ fails to provide any disclosure of any device for controlling temperature that includes cooling. In particular, Applicants note that VOGÉ discloses a pre-heater 70 in communication with valve 34 and nozzle 36, which sprays ink onto drum 38a device, Applicants note that nothing in VOGÉ teaches or suggests the above-noted features of the present invention, as currently amended.

Because VOGÉ fails to disclose *said cooling element comprises a cooling plate*;

said ink supply, metering device, and ink nozzle being at least partially located on said cooling plate, as recited in at least independent claim 1, and fails to disclose *adjusting said ink temperature with the cooling plate*, as recited in at least independent claim 18, Applicants submit that the applied art fails to show each and every recited feature of the present invention. Accordingly, Applicants submit that the Examiner has failed to provide any adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C. §102(b) and that the instant rejection should be withdrawn.

Further, Applicants submit that claims 2, 4-5, 12-14, 19, 20, 22, 23, 28-29 and 32 – 34 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. Moreover, Applicants submit that, as the above-noted claims recite additional features of the invention not disclosed by VOGEL, these further claims are separately patentable over the art of record.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1 – 2, 4-5, 12-14, 18 – 20, 22, 23, 28-29 and 32 – 34 under 35 U.S.C. §102(b) and indicate that these claims are allowable.

2. Over FELLER

Applicants traverse the rejection of claims 1, 3, 7-9, 18, 21 and 24-26 under 35 U.S.C. §102(b) as being unpatentable over Feller et al. (U.S. Patent No. 6,065,402) (hereafter “FELLER”). The Examiner asserts that FELLER shows the features recited in the above-noted claims. Applicants traverse the Examiner’s assertions.

Applicants’ independent claim 1, as currently amended, recites, *inter alia*,

“...said tempering device comprises at least one of at least one heating device and at least one cooling element, such that said cooling element comprises a cooling plate;

said ink supply, metering device, and ink nozzle being at least partially located on said cooling plate...”

Applicants' independent claim 18, as currently amended, recites, *inter alia*,

“...a tempering device comprising at least one of at least one heating element and at least one cooling element, which includes a cooling plate; said process comprising:

adjusting a temperature of ink in at least one of an ink nozzle, ink supply and metering device in the printing mechanism via the tempering device

wherein the adjusting of the temperature of ink comprises adjusting said ink temperature with the cooling plate...”

Applicants submit that FELLER does not anticipate the instant invention, as at least recited in the independent claims.

FELLER shows a inking device having an ink duct 2 filled with ink 3, wherein the ink is transferred to a structured roller or cup roller 4, and excess printing ink 3 is removed from the cup roller 4 by a blade 5. See Figure 1 and Col. 2, lines 45-55. Further FELLER discloses that frictional heat develops between the cup roller 4 and the blade 5 on the upper edge 5A of the blade 5, such that the temperature moderation is accomplished using a insulation plate 6 that dissipates heat (heat dissipation plate 7). See Figure 1 and Col. 4, lines 35-44. In fact, a review of this document reveals FELLER teaches away from the instant invention, reciting, in part,

“...Heating of the printing ink 3 is thus avoided...”. See Col. 4, lines 42-44.

Applicants submit that this document not only fails to show adjusting a temperature of the ink, but also fails to show a cooling element for cooling ink in accordance with the features of the present invention.

In contrast to the instant invention, Applicants note that FELLER fails to provide any disclosure of any device for controlling temperature that includes cooling ink. In particular, Applicants note that FELLER discloses a temperature-moderating device for the inking device (Col. 4, lines 44-49), Applicants note that nothing in FELLER teaches or suggests the above-noted features of the present invention, as currently amended. In fact, FELLER discloses an industrial printing apparatus, which does not lend itself to use in the cramped confines of a cigarette production device.

Because FELLER fails to disclose *said cooling element comprises a cooling plate; said ink supply, metering device, and ink nozzle being at least partially located on said cooling plate*, as recited in at least independent claim 1, and fails to disclose *adjusting said ink temperature with the cooling plate*, as recited in at least independent claim 18, Applicants submit that the applied art fails to show each and every recited feature of the present invention. Accordingly, Applicants submit that the Examiner has failed to provide any adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C. §102(b) and that the instant rejection should be withdrawn.

Further, Applicants submit that claims 8, and 25-26 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. Moreover, Applicants submit that, as the above-noted claims recite additional features of the invention not disclosed by FELLER, these further claims are separately patentable over the art of record.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1, 8, 18, and 25-26 under 35 U.S.C. §102(b) and indicate that these claims are allowable.

35 U.S.C. § 103 Rejections**1. Over BLAU in view of VOGÉ**

Applicants traverse the rejection of claims 1 and 16 under 35 U.S.C. §103(a) as being unpatentable over BLAU et al (U.S. 2001, 0013289 A1) (hereafter “BLAU”) in view of VOGÉ. The Examiner asserts that BLAU shows the recited features of the invention except for regulating the consistency of the printing ink as disclosed in VOGÉ, but that it would have been obvious to modify BLAU to heat the ink and locate the heating device in the ink supply, because VOGÉ teach that heating the ink is an effective way of regulating the consistency of the ink. Applicants traverse the Examiner’s assertions.

As acknowledged by the Examiner, BLAU does not show all of the features of the claimed invention. In particular, as BLAU discloses rollers 47 and 49 which bias their respective resilient peripheral portions 46 upon the adjacent roller or rollers of the imprinting apparatus 23 makes it possible to regulate the consistency of the printing ink. (see page 4, paragraph [0047]), this document fails to disclose or suggest *said cooling element comprises a cooling plate; said ink supply, metering device, and ink nozzle being at least partially located on said cooling plate*, as recited in at least independent claim 1.

Applicants note that, to ensure consistent printing quality, the instant invention provides a tempering device to control the temperature of the ink. In this regard, the Examiner’s attention is directed to paragraphs [0009] – [0015] of the instant application.

In contrast to the instant invention, Applicants note that BLAU fails to provide any disclosure of a tempering device, and fails to provide any disclosure of any device for controlling temperature. In particular, Applicants note that BLAU discloses a device for

printing in which structural elements change shape in order to *compensate* for temperature changes in the machine. Further, BLAU conveys ink on the surface of a series of ink-conveying drums open to the surrounding air, and the ink adapts to the temperature of the conveying drum almost immediately. While the Examiner notes that paragraph [0012] and [0047] of BLAU refers to changes in consistency of printing ink, Applicants note that these paragraphs disclose that the BLAU apparatus automatically compensates for changes in consistency (and/or temperature), but does not include any structure to control the consistency (and/or temperature) of the ink. In this regard, the Examiner's attention is directed to paragraph [0047] of BLAU, which discloses that changes in temperature can have rather pronounced effects on expansion and contraction of the parts of the apparatus, such that, if compensation were not provided in the manner set forth in the BLAU patent, printing quality would be affected.

Applicants note that it is not apparent from the Examiner's rejection how or why one ordinarily skilled in the art would modify BLAU to include the features of VOGÉ. In particular, Applicants submit there is no teaching or suggestion for combining BLAU with VOGÉ, since the methods of conveying the ink in each apparatus are distinct from each other. VOGÉ discloses a conveying method that is pressurized in closed conduits. BLAU teaches a conveying method open to the surrounding air on the surface of conveying elements. BLAU conveys ink on the surface of a series of ink-conveying drums open to the surrounding air, and the ink adapts to the temperature of the conveying drum almost immediately, as opposed to VOGÉ, which discloses conveying ink in a closed circuit under high pressure to a nozzle. In VOGÉ, the temperature is controlled and regulated very efficiently over a conveying method open to the surrounding air of the conveying elements.

Hence, the method of controlling and regulating the temperature of the ink according to VOGÉ cannot be applied to the apparatus according to BLAU.

Moreover, Applicants note that the applied documents of record fail to teach the requisite motivation or rationale for combining BLAU and VOGÉ as suggested by the Examiner.

A § 103 rejection requires the Examiner to first establish a prima facie case of obviousness: "The Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the Examiner does not produce a prima facie case, the Applicants are under no obligation to submit evidence of nonobviousness." MPEP 2142. The Court of Appeals for the Federal Circuit has set forth three elements which must be shown for prima facie obviousness:

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teachings or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

Further, Applicants note that, in contrast to BLAU, which teaches a printing mechanism for printing a cigarette paper, VOGÉ discloses an industrial printing apparatus, which does not lend itself to use in the cramped confines of a cigarette production device. Thus, Applicants submit that, simply due to the extreme difference in size, it would not have been obvious to one ordinarily skilled in the art to modify BLAU to include the features of VOGÉ.

Further, Applicants note that BLAU is specially designed with rollers that change shape and pressing force to compensate for temperature changes in the machine. Thus, because the apparatus adapts itself to changes in temperature, Applicants submit that it is not apparent why or how one ordinarily skilled in the art would modify BLAU in the manner asserted by the Examiner, and that only reasonable rationale for combining the documents of record is based upon the use of impermissible hindsight.

Further, as the temperature changes compensated by BLAU relate to temperature changes created by frictional forces in the machine, not ink temperature, to ensure printing quality, it is not apparent why one ordinarily skilled in the art would modify BLAU to heat the printing ink. Furthermore, Applicants submit there would be no reason, suggestion or any type of motivation to consider VOGÉ in view of BLAU or any combination thereof, such that no proper combination of VOGÉ and BLAU would render unpatentable the instant invention. Applicants submit that it is not apparent why or how one ordinarily skilled in the art would modify BLAU in the manner asserted by the Examiner.

Thus, because the art of record fails to provide the necessary motivation or rationale for combining the art of record in the manner asserted by the Examiner, Applicants submit no proper combination of BLAU and VOGÉ teach or suggest the combination of features recited in at least the independent claims.

Further, Applicants submit that claims 1 and 16 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. Moreover, Applicants submit that, as the above-noted claims recite additional features of the invention not disclosed by any proper combination of BLAU in view of VOGÉ, these further claims are separately

patentable over the art of record.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1 and 16 under 35 U.S.C. §103(a) and indicate that these claims are allowable.

2. Over VOGÉ in view of GARNER

The Office Action rejects claims 6, 15 and 30 under 35 U.S.C. §103(a) for being unpatentable over VOGÉ in view of Garner et al. (U.S. 5,611,278) (hereafter "GARNER"). The Examiner asserts that VOGÉ shows the recited features of the invention except for a temperature sensor positioned on one of the ink supply, metering device and ink nozzle, but that it would have been obvious to modify VOGÉ to include a temperature sensor located in the ink supply, because GARNER teaches a temperature sensor located in the ink supply. Applicants traverse the Examiner's assertions.

As acknowledged by the Examiner, and as discussed above, VOGÉ does not show all of the features of the claimed invention. In particular, VOGÉ discloses a pre-heater 70 in communication with valve 34 and nozzle 36, which sprays ink onto drum 38a device, (see Figure 4 and Col. 8-39), this document fails to disclose or suggest *said cooling element comprises a cooling plate; said ink supply, metering device, and ink nozzle being at least partially located on said cooling plate*, as recited in at least independent claim 1, and fails to disclose *adjusting said ink temperature with the cooling plate*, as recited in at least independent claim 18, as currently amended, Applicants submit that no proper combination of the applied art can render unpatentable the instant invention.

GARNER is directed to a circulation system (27) having a closed system of conduits

that circulates a fluid such as water through the ink vibrator rollers (25) and through a heat exchanger in the refrigeration and heating system (33). The refrigeration and heating system (33) provide either a heat source (heat) or a heat sink (cooling) for the circulating fluid, so as to provide the temperature regulation of the fluid. Each sensor (31) determines the temperature of the ink on an ink vibrator roller (25), and if the temperature is outside of a specified range, then a controller that is connected to the sensor operates the respective control valve (29) to allow fluid to circulate through the respective ink vibrator roller. The circulating fluid thus maintains the ink in the desired temperature range. (See Col. 3, lines 14-30).

However, this document fails to teach or suggest *said cooling element comprises a cooling plate; said ink supply, metering device, and ink nozzle being at least partially located on said cooling plate*, as recited in at least independent claim 1, and fails to disclose *adjusting said ink temperature with the cooling plate*, as recited in at least independent claim 18, as currently amended. Applicants submit that no proper combination of the applied art can render unpatentable the instant invention.

Moreover, Applicants note that, in contrast to VOGÉ, which teaches the ink sent through the inlet line (66) of the valve (34) passing through a pre-heater (70) that heats the pressurized printing ink (see Col. 8, lines 14-18 of VOGÉ), as opposed to GARNER that discloses an industrial printing apparatus including a temperature control system (27) that is in a closed system that circulates a fluid such as water through the ink vibrator rollers (25) and through a heat exchanger in the refrigeration and heating system (33) wherein the circulating fluid thus maintains the ink in the desired temperature range. Thus, Applicants submit that, simply due to the fact that the two temperature control systems are distinct

from each other, it is not apparent why or how one ordinarily skilled in the art would modify VOGUE in the manner asserted by the Examiner, especially since the applied art does not even suggest circulating a fluid such as water through the ink vibrator rollers.

Thus, because the art of record fails to provide the necessary motivation or rationale for combining the art of record in the manner asserted by the Examiner, Applicants submit no proper combination of VOGUE in view of GARNER teach or suggest the combination of features recited in at least the independent claims.

Further, Applicants submit that claims 6, 15 and 30 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. Moreover, Applicants submit that, as the above-noted claims recite additional features of the invention not disclosed by any proper combination of VOGUE in view of GARNER, these further claims are separately patentable over the art of record.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 6, 15 and 30 under 35 U.S.C. §103(a) and indicate that these claims are allowable.

3. Over FELLER in view of AYERS

Applicants traverse the rejection of claims 10-11 and 27 under 35 U.S.C. §103(a) as being unpatentable over FELLER in view of Ayres, Jr. et al. (U.S. Patent No. 5,810,927) [hereinafter "AYRES"]. The Examiner asserts that FELLER shows the recited features of the invention except for the cooling element comprises a device structured and arranged to produce a cooled airflow, but that it would have been obvious to modify FELLER to include

a device to produce cooled airflow, because AYRES teaches a device that is useful for cooling ink. Applicants traverse the Examiner's assertions.

As acknowledged by the Examiner, and as discussed above, FELLER does not show all of the features of the claimed invention. In particular, FELLER discloses a temperature-moderating device for the inking device (Col. 4, lines 44-49), Applicants note this document fails to disclose or suggest *said cooling element comprises a cooling plate; said ink supply, metering device, and ink nozzle being at least partially located on said cooling plate*, as recited in at least independent claim 1, as currently amended, and fails to disclose *adjusting said ink temperature with the cooling plate*, as recited in at least independent claim 18, as currently amended, Applicants submit that no proper combination of the applied art can render unpatentable the instant invention.

AYRES is directed to an ink temperature control device which includes fans which blow air and create eddy currents and help maintain the temperature of the ink (See Col. 1, lines 37-39), however this document fails to teach or suggest *said cooling element comprises a cooling plate; said ink supply, metering device, and ink nozzle being at least partially located on said cooling plate*, as recited in at least independent claim 1, and fails to disclose *adjusting said ink temperature with the cooling plate*, as recited in at least independent claim 18, as currently amended, Applicants submit that no proper combination of the applied art can render unpatentable the instant invention. Applicants note that FELLER and AYRES both have temperature systems, and that FELLER and AYRES or any combination thereof, fail to teach the requisite motivation or rationale for combining FELLER and/or AYRES as suggested by the Examiner.

Thus, because the art of record fails to provide the necessary motivation or rationale

for combining the art of record in the manner asserted by the Examiner, Applicants submit no proper combination of FELLER and AYRES teach or suggest the combination of features recited in at least the independent claims.

Further, Applicants submit that claims 10-11 and 27 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. Moreover, Applicants submit that, as the above-noted claims recite additional features of the invention not disclosed by any proper combination of FELLER in view of AYRES that these claims are separately patentable over the art of record.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 10-11 and 27 under 35 U.S.C. §103(a) and indicate that these claims are allowable.

4. Over VOGÉ in view of DILLIG

Applicants traverse the rejection of claims 17 and 31 under 35 U.S.C. §103(a) as being unpatentable over VOGÉ in view of Dillig, Jr. et al. (U.S. Patent No. 5,810,927) [hereinafter "DILLIG"]. The Examiner asserts that VOGÉ shows the recited features of the invention except for any pressure measurement devices in the ink nozzle, but that it would have been obvious to modify VOGÉ to include a pressure sensor in the ink nozzle, because DILLIG teaches a pressurized inking system. Applicants traverse the Examiner's assertions.

As acknowledged by the Examiner, and as discussed above, VOGÉ does not show all of the features of the claimed invention. In particular, VOGÉ discloses a pre-heater 70

in communication with valve 34 and nozzle 36, which sprays ink onto drum 38a device, (see Figure 4 and Col. 8-39), this document fails to disclose or suggest *said cooling element comprises a cooling plate; said ink supply, metering device, and ink nozzle being at least partially located on said cooling plate*, as recited in at least independent claim 1, and fails to disclose *adjusting said ink temperature with the cooling plate*, as recited in at least independent claim 18, as currently amended, Applicants submit that no proper combination of the applied art can render unpatentable the instant invention.

DILLIG is directed to a pressurized inking system 100 having a pressure monitor 17 to ensure that an adequate ink supply is provided at all times, as well as an ink supply 2 portion and ink return portion 16 comprising a closed system. See Col. 3, lines 60-67 and Col. 4, lines 1-9. However, this document fails to teach or suggest *said cooling element comprises a cooling plate; said ink supply, metering device, and ink nozzle being at least partially located on said cooling plate*, as recited in at least independent claim 1, and fails to disclose *adjusting said ink temperature with the cooling plate*, as recited in at least independent claim 18, as currently amended, Applicants submit that no proper combination of the applied art can render unpatentable the instant invention.

Moreover, Applicants note that, in contrast to VOGÉ, which teaches a conveying method that is pressurized in closed conduits with a pre-heater. DILLIG discloses a pressure sensor wherein VOGÉ has a pressure converter to maintain the pressure within the closed system, negating the need for the pressure sensor. Applicants note that VOGÉ and DILLIG or any combination thereof, fail to teach the requisite motivation or rationale for combining VOGÉ and/or DILLIG as suggested by the Examiner.

Thus, because the art of record fails to provide the necessary motivation or rationale

for combining the art of record in the manner asserted by the Examiner, Applicants submit no proper combination of VOGÉ in view of DILLIG teach or suggest the combination of features recited in at least the independent claims.

Further, Applicants submit that claims 17 and 31 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. Moreover, Applicants submit that, as the above-noted claims recite additional features of the invention not disclosed by any proper combination of VOGÉ in view of DILLIG, these further claims are separately patentable over the art of record.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 17 and 31 under 35 U.S.C. §103(a) and indicate that these claims are allowable.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. § 102 and § 103, and respectfully requests the Examiner to indicate allowance of each and every pending claim of the present invention.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious Applicants' invention, as recited in each of claims 1-2, 4-6, 8, 10-20, 22-23, 25-34. The applied

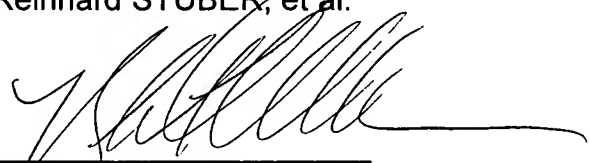
references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Should the Examiner have any questions, please contact the undersigned at the telephone number provided below.

Respectfully submitted,
Reinhard STÜBER, et al.



Neil F. Greenblum

Reg. No. 28,394

Robert W. Mueller

Reg. No. 35,043

October 27, 2005
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191